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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,288	06/25/2003	Raymond Willis Blodgett JR.	18393-19	4969
25204	7590	07/27/2004	EXAMINER	
OPPENHEIMER WOLFF & DONNELLY LLP 840 NEWPORT CENTER DRIVE SUITE 700 NEWPORT BEACH, CA 92660			GORDON, STEPHEN T	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/607,288	BLODGETT, RAYMOND WILLIS
	<b>Examiner</b>	<b>Art Unit</b>
	Stephen Gordon	3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 June 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.  
 4a) Of the above claim(s) 9 and 13-20 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8, 10-12 and 22 is/are rejected.  
 7) Claim(s) 21 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 25 June 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date 6-25-04. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. Claims 9 and 13-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention group/species. Election was made **without** traverse in the reply filed on 6-11-04.
2. It is requested that applicant cancel at least non-elected claims 13-20 in response to this action to facilitate the issue process if the application is ultimately allowed.
3. Claims 4-5, 7-8, 11-12, and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 4, "the base gear assembly" lacks antecedent basis.

Re claim 5, "the wheel well" lacks clear antecedent basis and could be written as –a wheel well—for clarity.

Re claim 7, lines 1 and 2 are somewhat confusing, and "for extending and retracting the slide member" could be written as –operates to extend and retract the slide member and—to clarify the claim in this regard as best understood.

Re claim 8, the recited two elongated members and two base members apparently constitute double inclusions of the elongated member and base member of the base claim. Additionally, "the two elongated members" in line 2, "the two base members" bridging lines 3 and 4, "the gear rack" (should be –the respective gear rack--?), and the base gear assembly (should be –the base gear assemblies\_\_?) lack clear antecedent basis.

Re withdrawn claim 9, while an action on the merits of claim 9 is not included herein, in an effort to expedite prosecution it is noted that lines 1 and 2 are somewhat confusing, and "for extending and retracting the slide member" could be written as --operates to extend and retract the slide member and--to clarify the claim in this regard as best understood.

Re claim 11, in line 11 "bolt" should be --nut--.

Re claim 12, the recited two elongated members and two base members apparently constitute double inclusions of the elongated member and base member of the base claim. Additionally, "the base gear assembly" and "each base member" lack clear antecedent basis.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3-5, and 7-8, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Schneider.

Schneider teaches a slideout vehicle portion actuating mechanism including an elongated member 14+, a base member 16+, and a drive system 50,42+ on the elongated member as broadly claimed and located internal to the vehicle as broadly claimed.

Re claim 4, see gear 42 on shaft 44 (figure 3 etc.) as broadly claimed and as best understood.

Re claim 5, mounting bracket 24+ could be mounted on a wheel well. Moreover, in as much as the wheel well per se is not a positively recited element of the instant claimed combination, the functional/positional language relating thereto is given little patentable weight.

Re claim 8, see base gears 42,62, racks 40+ on the elongated members (see figure 10), and cross shaft 60+.

6. Claims 1-3, 5, and 7-8, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Nebel.

Nebel teaches a slideout vehicle portion actuating mechanism including an elongated member 80+, a base member 22+, and a drive system 106,97+ on the elongated member as broadly claimed and located internal to the vehicle as broadly claimed.

Re claim 2, see inward lip 93 extending off sides of elongated member 80 (figure 7).

Re claim 5, mounting bracket 24+ could be mounted on a wheel well. Moreover, in as much as the wheel well per se is not a positively recited element of the instant claimed combination, the functional/positional language relating thereto is given little patentable weight.

Re claim 8, the rail engaging portions of 80 read on the elongated members and rails 21 and 22 define base members. Note also gear racks 96 and 97, base gears 102 and 103, and cross shaft 105.

7. Claims 1, 3, and 7, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Young '683.

Young teaches a slideout vehicle portion actuating mechanism including an elongated member 40+, a base member 50a+, and a drive system 42+ located internal to the vehicle as broadly claimed – see figure 3 etc.

Re claim 3, to the extent that the screw threads slide in element 50a, the device is deemed slideably engaged as broadly claimed.

Re claim 7, element 42 is an electric motor.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider in view of Erickson et al.

Schneider teaches all of the claimed features as discussed above regarding claim 1 but fails to teach use of an acme screw/nut assembly attached to the base member as recited.

Erickson et al teaches a slideout vehicle portion actuating mechanism including use of an acme screw/nut assembly attached to a base member – see section 5, line 50 etc.

In order to create a more positive actuating force less subject to slipping and/or breaking of gear teeth, it would have been obvious to one of ordinary skill in the art to utilize an acme screw/nut assembly attached to the base member as broadly claimed in place of the pinion gear/rack drive of Schneider in view of the teachings of Erickson et al.

10. Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Claims 11-12 and 22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note at least Meijer et al teaches a slideout mechanism.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (703) 308-2556. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



7-23-04

Stephen Gordon  
Primary Examiner  
Art Unit 3612

stg